

**CHHS Agency HIPAA Workgroup
County Issues Sub-Workgroup**

Monday July 30, 2001

Notes:

1. Introductions, prior meeting notes

Ray Reis called the meeting to order. The meeting notes from July 9, 2001, were approved without changes.

2. Consensus Item # 4.

Item approved by group.

3. Consensus Item # 2.

Revision approved by group.

4. Consensus Item # 3.

Revision approved by group.

5. Consensus Item # 1.

Second revision approved by group.

6. Rules Application in Multi-Disciplinary Programs.

There was some concern that HIPAA might interfere with the counties' focus on Multi-Disciplinary Programs, like Children's System of Care and Family Intervention. It was felt that HIPAA was not clear on how or who could authorize release of PHI.

There was much discussion about the Authorization provisions of the HIPAA rule and how it applies to individual cases. Although HIPAA requires authorization it was not clear about who can provide authorization for the sharing of PHI among Multi-Disciplinary Programs. There appears to be 3 categories of Minors that need someone else to authorize the release of PHI.

First – Wards of the court, e.g., convicted minors. Authorizations should come from the court.

Second - Dependents of the court, e.g., foster kids. Authorizations should come from the court.

Third - Regular Minor Consent, e.g., protective custody but not yet foster kids [not part of the judicial system but not under parental consent]. Not clear if HIPAA allows minors to authorize the release of their PHI.

Some discussion about whether a court order/State law overrides HIPAA rules. Consensus was that it did not. Orange County will identify State law referenced in the court order discussed.

There are a couple of questions to CMS that need to be drafted by the group to address authorizations in these scenarios.

One: Can a court order/State law override HIPAA rules regarding release Of PHI?

Two: Clarify who can authorize sharing of PHI in the various scenarios that result from the new Multi-Disciplinary situations. Can sharing be accomplished without the use of an authorization, i.e., with general consent only.

7. Next meeting. August 20, 2001